

AO88 (Rev. 1/94) Subpoena in a Civil Case

EXHIBIT III

Issued by the
UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

OKLAHOMA

State of Oklahoma, Inc., et al.

V.

Tyson Foods, Inc. et al.

SUBPOENA IN A CIVIL CASE

Case Number:¹ 4:05-CV-00329-TCK-SAJ
No. Dist. Okla.

TO: Ren Butler
Georgia Butler
Rt 2, Box 1205
Stillwell, Ok

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

- ☒ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES The attached legal description and Sampling Request

DATE AND TIME

May 5, 2006 @ 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Plaintiff

April 13, 2006

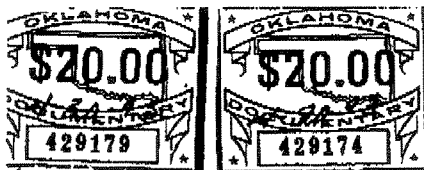
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Richard T. Garren, OBA #3253, 502 W. 6th St., Tulsa, Ok 74119

918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.



24705

**JOINT TENANCY
WARRANTY DEED**
(Individual Form)

FILED
ADAIR COUNTY, STILLWELL, OKLA.

APR 30 1993
IN BOOK 27 AT PAGE 446
CAKOC PHILPOT, County Clerk
By 6 Deputy

KNOW ALL MEN BY THESE PRESENTS:

That Donald J. Moreton and Judy E. Moreton, Husband and Wife

part 1 of the first part.
in consideration of the sum of One and no/100 dollars
and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell
and convey unto Ren Butler and Georgia A. Butler, Husband and Wife
Rt. 2, Box 1205
Stillwell, OK 74960

as joint tenants and not as tenants in common, with the right of survivorship, the whole estate to vest in the survivor in event
of the death of either, parties of the second part, the following described real property and premises situate in
Adair County, State of Oklahoma, to-wit:

SE SE of Section 10, Township 16 North, Range 26 East

AND

N $\frac{1}{2}$ N $\frac{1}{2}$ NE of Section 15, Township 16 North, Range 26 East LESS
1 acre out of N $\frac{1}{2}$ NW NE

AND

NW NW NW of Section 14, Township 16 North, Range 26 East.

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO ENJOY unto the said parties of the second part, as such joint tenants, and to
the heirs and assigns forever, clear and discharged of and from all former grants, charges, taxes,
judgments, mortgages and other liens and encumbrances of whatsoever nature.

foregoing instruments is a true and correct
copy of the records as shown in the office of
the County Clerk in and for Adair County.
Dated this 28th day of April, 2000

Cheryl Philpott County Clerk
By 6 Clerk

Signed and delivered this 30th day of April, 19 93

STATE OF OKLAHOMA

COUNTY OF Adair

SS:

INDIVIDUAL ACKNOWLEDGEMENT
(Oklahoma Form)

Before me, the undersigned, a Notary Public, in and for said County and State, on this 30th day of

April, 19 93, personally appeared

Donald J. Moreton and Judy E. Moreton, Husband and Wife

to me known to be the identical persons 5 who executed the within and foregoing instrument and acknowledged to me that they

executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires 10/5/93

Rebecca Kay Lunsford, Notary Public

Compliments of Chicago Title Insurance Company.

WARRANTY DEED

Corporation Form

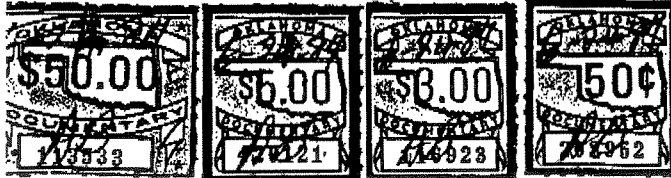
Know All Men by These Presents:

That Peoples Bank of Westville, Oklahoma

a corporation duly organized and existing under and by virtue of
the laws of the State of Oklahoma, whose
principal place of business is in Adair

County, State of Oklahoma, party of the first part, in consideration of the
sum of Ten Dollars and no/100----- DOLLARS (\$ 10.00)
and other valuable considerations, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant,
Bargain, Sell and Convey unto Ren Butler and Georgia A. Butler, husband and wife
as joint tenants
of Adair County, State of Oklahoma, part
of the second part, the following described real property and premises situate in Adair
County, State of Oklahoma, to-wit:

A survey of that part of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 10, T. 16 N., R. 26 E.,
Adair County, Okla., described as follows; beginning at the NW corner
of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence S. 89° 54' E., 1322.3 feet to the NE corner
of said SW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence S. 0° 02' W., 1320.0 feet to the SE corner of
said SW $\frac{1}{4}$ of SE $\frac{1}{4}$; thence N. 89° 54' W., 960.28 feet; thence N. 6° 55' 23" E.,
148.17 feet; thence N. 16° 32' E., 420.89 feet; thence N. 25° 18' W.,
123.38 feet; thence N. 84° 18' W., 185.55 feet; thence S. 79° 12' W.,
266.64 feet; thence N. 0° 02' E., 690.03 feet to the



together with all the improvements thereon and appurtenances thereunto belonging and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the said part 1st of the second part, 10.00 heirs
and assigns forever free, clear and discharged of and from all former grants, charges, taxes, judgments,
mortgages and other liens and encumbrances of whatsoever nature.

IN WITNESS WHEREOF, the said party of the first part hereto has caused these presents to be signed in its name
by its President, its corporate seal affixed, and attested by its Secretary at Peoples Bank
of Westville, Ok., this 18th day of June, 19 87



Attest: [Signature] Secretary

Bob G. Hayes
[Signature] President

STATE OF OKLAHOMA
COUNTY OF Adair

SS:

CORPORATION ACKNOWLEDGMENT
Oklahoma Form

Before me, the undersigned, a Notary Public, in and for said County and State on this 18th day of
June, 19 87, personally appeared Bob G. Hayes
to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its
President and acknowledged to me that he executed the same as his free and voluntary act and
deed and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.
My commission expires 6-29-89

[Signature] Notary Public

Soil Samples from Waste Applied Fields

Equipment and personnel will be transported to the field in a truck or van. At each field between one and four sampling areas will be identified. Each of the sampling areas will be between one and ten acres in size. At each sampling area, a regular grid pattern of 20 sample locations will be established. At each of the 20 sampling locations, individual soil samples will be collected at three depths: 0 to 2 inches, 2 to 4 inches, and 4 to 6 inches. Individual samples will be placed in plastic bags with labels. All sampling equipment and reusable personnel equipment will be decontaminated between fields using water, phosphate free soap and 6 percent bleach.

Rainfall Runoff Samples

At or near the edge of fields where waste has been applied, rainfall runoff sampling locations will be selected. These locations will typically be low or sloped areas where water will runoff or accumulate. Where runoff water accumulates in a natural depression, the water may be sampled directly from these locations. Rainfall runoff sampling will be conducted from time to time through June 30, 2006 as rainfall events occur.

Groundwater Samples

Samples of groundwater will be collected using a hydraulic pushed sampling device (probe) mounted on the back of a van or truck. The small diameter probe (usually about two inches in diameter) will be pushed into the subsurface at selected locations on or near the edge of fields where waste has been applied. Groundwater will be collected using a small pump or by inserting a small tube inside the probe. At selected locations (up to three per field), a plastic pipe will be placed in the probe hole to allow repeated sampling of the groundwater. To stabilize the pipe, a small concrete pad will be placed around and over the pipe. If requested by the owner, the pad and pipe will be flush with the ground surface. If the probe cannot penetrate the subsurface, an auger drilling rig may be used. Upon completion the ground will be restored to preexisting condition. Grab sample method will be used to gather data from existing wells or springs using scientifically accepted collection procedures.